



CITY OF HAYWARD

AGENDA REPORT

Meeting Date 04/10/03
Agenda Item 3

TO: Planning Commission

FROM: Richard Patenaude, AICP, Principal Planner

SUBJECT: **Site Plan Review Application No. 2003-0125 – Standard Pacific Homes (Applicant) / Acacia Credit Fund 7, LLC (Owner):** Request for Approval of the Design of 27 Single-Story Single-Family Dwellings, including a Request for a Variance of Rear Yards and Lot Coverage, to Be Located at 28905 Hesperian Boulevard in Phases I and II of Eden Shores (Commonly Known as Oliver West) in the RS and RSB6 (Single-Family Residential) Districts

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that there are no changes or circumstances caused by this project that affect the environment and that this project can rely on the previously certified environmental documents for the "South of Route 92" project;
2. Approve the site plan review application, subject to the attached findings and conditions, for the designs of the single-story homes; and
3. Approve the variance to the rear yards for Lots 44 and 46-48, and to lot coverage for Lots 30, 40, 43-46, 53, 87 and 106 in "The Bay" (Tract 7317); and the variance to the rear yards for Lots 167-178, and to lot coverage for Lots 52, and 168-178 in "The Cape" (Tracts 7360/7361).

BACKGROUND:

The Planning Commission, on July 11, 2002, approved a Site Plan Review application for the first phase of Eden Shores consisting of 109 lots to be known as "The Bay." Phase I also includes the development of the 5-acre community park, the common area landscaping, the water buffer along the northerly and westerly edges, and the Bay Trail connection. The minimum lot size within Phase I is 5,000 square feet. Four two-story models (floor plans) were approved, ranging from 2,197 to 2,687 square feet. Each of the models can accommodate three of five available elevations with from two to six bedrooms, depending on options.

The Planning Commission, on January 19, 2003, approved a Site Plan Review application for the second phase consisting of 221 lots to be known as "The Cape" and "The Breakers." Phase II

also includes the development of the 2.5-acre neighborhood park, the common area landscaping, retention of 9 lots for wetlands protection, and the water buffer along the southerly edge. The minimum lot sizes within Phase II are 6,000 square feet in "The Cape" and 8,000 in "The Breakers." Five two-story models (floor plans) were approved, ranging from 2,322 to 3,214 square feet, in "The Cape," and each of the models can accommodate three of four available elevations with from two to six bedrooms, depending on options. Six one- and two-story models were approved, ranging from 2,322 to 4,675 square feet, in "The Breakers," and each of the models can accommodate three available elevations with from two to six bedrooms.

The Development Guidelines for development of the "South of 92" area envision single-family detached housing of mixed one- and two-story floor plans to provide a more diverse community and address the needs of families who prefer or require a single-story living environment. The Planning Commission previously approved the single-story Model No. 1 in "The Breakers" for nine lots. The Planning Commission reserved 14 lots in "The Cape" and 13 lots in "The Bay" for single-story models. This would provide for a single-story plan on 10 percent of the total lots, the *minimum* staff believed would provide for compliance with the intent of the Development Guidelines.

Project Description

The Planning Commission is now being asked to approve the design for the required one-story homes that would be located on the 13 lots in "The Bay" and the 14 lots in "The Cape". Two models (floor plans) are proposed as "The Bay" Plan 5 and "The Cape" Plan 4 with from three to four bedrooms, depending on options for retreats, dens, lofts and extended garages. "The Bay" Plan 5 contains 1,823 to 1,981 square feet and "The Cape" Plan 4 contains 2,444 square feet. The two floor plans will be used in both neighborhoods; however, the architectural styles will be consistent with the specific neighborhood in which the model is located. In "The Bay," each of the models can accommodate four styles (Spanish Colonial, Craftsman, Tuscan and Tuscany). In "The Cape," each of the models can accommodate six styles (French, Monterey, Tuscany, Prairie, and two variations of Spanish).

Architectural Character

The two single-story models add diversity to the mix available in each "neighborhood." However, most of the single-story residences will be lined up in a single row along the sound wall rather than be more evenly dispersed. The location of these lots for the single-story models was approved by the Planning Commission due to the noise condition from the railroad and the inability to meet interior noise standards in second-story bedrooms. The placement of the single-story models allowed compliance with interior noise standards and a reduction in the height of the sound wall from 18 feet to 15 feet.

In "The Bay," there will be a row of 9 single-story residences. While only two models are proposed, the four architectural styles will provide for eight possible combinations. In "The Cape," there will be a row of 13 single-story residence; the six styles will provide for 12 possible combinations. The conditions of approval require that no architectural style be repeated on adjacent lots. The Planning Commission may want to discuss whether these combinations and

the requirement to separate the styles provide adequate variety to maintain a high level of architectural character.

Variances

Four lots in "The Bay" (44 and 46-48) and 12 lots in "The Cape" (167-178) require a variance in the depth of the rear yard from 20 feet to as much as 15 feet. While new residences are required to provide a rear yard of 20 feet, the Zoning Ordinance allows single-story additions as close as 10 feet to the rear property line as long as the addition does not cover more than 20 percent of the required rear yard. With the addition of accessory structures, such as storage sheds, a homeowner may cover up to 40 percent of the required yard. In these cases, not more than 25 percent of the required yard would be covered. The rear yards of these lots back up to the sound wall and will not impact any other residence.

Nine lots in "The Bay" (30, 40, 43-46, 53, 87 and 106) and 12 lots in "The Cape" (52 and 168-178) require a variance to allow lot coverage of up to 49.9 percent. The standard lot coverage for single-family residences is 40 percent. Most of the lots in these neighborhoods will contain a two-story residence, allowing a total floor area ranging from 2,197-3,214 square feet. In order to provide a comparable single-story residence compatible with these neighborhoods (1,823-2,444 square feet), it is necessary to increase the lot coverage. The tract map was laid out prior to the determination that the noise levels would force the use of standard lots along the sound wall.

Staff recommends that the Planning Commission approve these variances.

ENVIRONMENTAL REVIEW:

An Environmental Impact Report was previously prepared for the "*South of Route 92/Oliver & Weber Properties Specific Plan.*" This project is in compliance with that Plan and the subsequent "*South of Route 92 Oliver/Weber Properties Development Guidelines.*" No further environmental review is required.

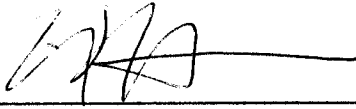
PUBLIC NOTICE:

On March 31, 2003, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to all interested parties, including HASPA and the City of Union City. Staff received no comments from the public regarding the project.

CONCLUSION:

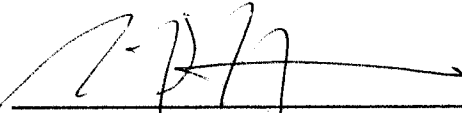
In staff's opinion, the proposed project is consistent with Specific Plan and the Development Guidelines for the "*South of Route 92/Oliver & Weber Properties*" project, as well as applicable City-wide development guidelines and compliance with interior noise standards. It is recommended that the Planning Commission approve the project.

Prepared by:



Richard E. Patenaude, AICP
Principal Planner

Recommended by:



for Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings for Approval
- B. Conditions for Approval
Plans

FINDINGS OF APPROVAL

Site Plan Review Application No. 2003-0125

Standard Pacific Homes (Applicant); Acacia Credit Fund 7, LLC (Owner)

27 Single-Story Single-Family Dwellings, including a Request of a Variance of Rear Yards and Lot Coverage, to Be Located at 28905 Hesperian Boulevard in Phases I and II of Eden Shores (Commonly Known as Oliver West) in the RS and RSB6 (Single-Family Residential) Districts

- A. An Environmental Impact Report was previously prepared for the "*South of Route 92/Oliver & Weber Properties Specific Plan*." This project is in compliance with that Plan and the subsequent "*South of Route 92 Oliver/Weber Properties Development Guidelines*." No further environmental review is required.
- B. The development is compatible with proposed on-site and surrounding structures and uses and is an attractive addition to the City, providing a wide variety of architectural styles and public and private landscaped areas.
- C. The development takes into consideration physical and environmental constraints and opportunities. The adjacent water buffer is attractively landscaped and that homes along the westerly edge of the project are afforded views toward the Bay. All residences will be required to meet City and project noise standards regarding the noise emitted from the adjacent railroad operations.
- D. The development complies with the intent of City development policies and regulations from which the "*South of Route 92 Oliver/Weber Properties Development Guidelines*" were developed. An exception to the Guidelines to allow encroachments into the front yards by porches is appropriate as the strict application of these guidelines would deprive this project of the privileges enjoyed by other properties under the same zoning classification. This exception does not grant a special privilege as it is consistent with the limitations upon other properties in the same zoning district and this project is required to measure up to a stricter level of design guidelines than other properties in the same zoning district.
- E. A reduction in the rear yards for Lots 44 and 46-48, and the increase in lot coverage for Lots 30, 40, 43-46, 53, 87 and 106 in "The Bay" (Tract 7317); and the reduction in the rear yards for Lots 167-178, and the increase in lot coverage for Lots 52, and 168-178 in "The Cape" (Tracts 7360/7361) is appropriate as there are special circumstances applicable to the property in that the determination that the single-story structures would be placed on the subject lots followed the creation of such lots; strict application of the Zoning Ordinance deprives such properties of privileges enjoyed by the other properties in the vicinity in that the resultant residences would have to be smaller than the others proposed in the vicinity; and the variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity as the rear of the lots abut the sound walls, reducing the impact of the variance.

- F. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that a homeowners association will be created, which will be charged with the long-term maintenance of public and private improvements.

CONDITIONS OF APPROVAL

Site Plan Review Application No. 2003-0125

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GENERAL

1. This permit becomes void on April 10, 2005 unless, prior to that time, substantial and continued progress has been made toward the establishment of the use and/or structure approved or an extension of time is approved. A request for a one-year extension of time, approval of which is not guaranteed, must be submitted to the Planning Director 15 days prior to the above date.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. All improvements indicated on Exhibit "A", and as amended by these conditions of approval, are hereby approved, and must be installed prior to authorization for final building occupancy. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. All applicable conditions of approval for PL-2002-0602 SPR and PL-2002-0182 SPR shall be in full force and effect in regard to this permit.
5. The architectural style used on a single-story residence shall not be repeated on any adjacent lot.
6. Violation of conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.